G R S App F IX 4]

1942-

File No 56-42

Previous References

(Nil)

Serial Nos 8, 13, 25, 28, 35

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Dec 42

SUBJECT

Claim under sec 194(1) of Income Tax Act - re the resolution of the Mangalore Town Municipal Council

To,

The D C Bangalore

No 5390 dt 28 11 42

Issues certain instructions.

Serial No	
	Letter no M6-6697/1475/41-42 from the D C Bangalore dtd Stating in the circumstances stated, it is that the resolution of the Nagade Town Hall regarding the removal of the Vice President be expunged from the proceedings of the Council and requesting approval of Govt to the said action
	2 The facts of the case are clearly set forth in the P.U.D
	Mr L Ramachandra Rao the then Vice-President of the Nagade Town Hall tendered his resignation on 9-1-42 and he ceased to hold that office from that date itself (Vide Section 13 of the T M Act 1933)
	3 At the Special meeting held on 11-6-42 the Council passed a resolution removing the Vice-President Mr Ramachandra Rao on account of his unsatisfactory work
	4 Mr Ramachandra Rao preferred to the D C Bangalore Appeal against the said action of the Mn Cl and prayed that the resolution in question may

NOTE—Contn Sheet

WD 64155—G1 B—55 000—23 10 41

File No 56 1/24/10 of 1942

General and Revenue Secretariat

Serial No

be expunged from the proceedings in order

4) That D.C. has, after examining the record, ordered that the resolution flag F removing the Vice-President, after ... dismissal, is unlawful and may therefore be expunged from the proceedings of the said Bd.

-b) He has solicited approval, under Section 194(2) of the T.N. Act, 1933, to the action taken by him

Under proviso to the above Section an opportunity of showing cause against the order passed by the D.C. has to be given to the Bd. before confirming the same the order is confirmed, revised or modified by Govt

The file will be put up for Law section for favour of advice if the action taken by the D.C. is proper in this case or the proposal to expunge order may be accepted, under 194 of the T.N. Act

Q) In the meanwhile, if is for orders of Govt contemplated in the statute, the Bd may be called upon to show cause why the Dcs order may not be expunged

Law Secy

Govt

B

SECY LAW DEPT 1383 Govt Press

Serial No

OFFICE OF THE MINISTER FOR L S G & P H
Dt 7-8-42
No 1246

Law No 37
Dated 19 8 42

NOTE—Cont Sheet

MM File No 56 684-2 of 1942

General and Revenue Secretariat

Serial No

16 The action taken by the C.M.O. & Sec. 1946(1) seems to be as follows. The Secretary to Government's action in forwarding a resolution passed by the Municipal Council on 11.6.42, when it was submitted thereto by the Vice President has in respect of 9.6.42 alone, is an unlawful action, in so much as the Vice-President ceased to hold his office as Vice President from 9.6.42 in accordance with the terms of Sec. 13 of the Act. It is clear that the Resolution of the Council was a deliberate attempt to damage the reputation of the Vice President. It was an act which in accordance with the law is corrupt. The action taken by the C.M.O. may be considered after getting the explanation of the Council on the matter.

Law Secretary) 14/9/42

MYSORE LAW DEPT 15-9 +2

1) The resolution is no doubt not legal since the Mr. Ramachandra Rao had ceased to be the Vice President from 9-6-42, but the had approved of the Resolution to be forwarded under S 194(1) he can only suspend the execution of Resolution

Mr. Secy (Law) 18) 15-9-42

Action under Secl 144(3) of Cr P C Act re The needy [illegible] Nagaraj Md cl
D 540/42

General and Revenue Secretariat | ML File No 56 of 194 | [App F III-2

Serial No

15 The report from the D C Bangalore Dist= regarding the instructions issued in this office letter dated 14-8-42 has not yet been received

Flag A

20 Submitted with a draft reminder

SECY L 3178 PT 1 2 GOVT OF MYSORE

Kms 19 9 42

21 Be pursued before me

Sd/- [illegible]

22 May be pursued

OFFICE OF THE MINISTER FOR L S G & P H Dt 21 9 42 N 2611

Mysore L S G

Sd/- 21-9-42

23 Sec 23-9-42

Sd/- 24-9-42

Sd/- [illegible]

To

The D. C Bangalore Dist
No L 3438 d 22-9-42

Requests to expedite the receipt of his report and conveys certain observations of Govt=

Sus (A) 25-9-42

Letter no M6-6697/41-42 d 17-10-42 from the Deputy Comr, Bangalore with forwards a report in the matter

NOTE—Cont Sheet

WD 041 5—GPB—5 000—23-10-41

9 2485
ML File No S 6

re resolution passed by the Nagara Town Municipal Council 2485-1

of 194 2

General and Revenue Secretariat

Serial No

25) The Nagara Town Municipal Council has resolved that their resolution removing Mr Kasaraneni Mr Ramachandra Rao from the office of the Vice-President may be allowed to stand for the reasons set forth in the resolution - Flag K

No 26) As the Municipal Council have not shown satisfactory cause against the orders of the D.C. and the resolution in question is not legal, (vide para 17 supra) the action taken by the D.C. Bangalore West may perhaps be confirmed under Section 194(2) of the Mysore Town Municipalities Act 1933

Submitted for orders

11 am 31/10/42 - 27) The action taken by the Deputy Commr, Bgre West may be approved with the observation that the remarks in question may be deleted from the proceedings book, in accordance with the Rules.

Laurence Miller

(GOVT No 4801)

GOVT OF MYSORE

28) The resolution may be deleted (please see para 17)

Mysore 2-11-42

for I Miller

Secy to G

16-11-42

OFFICE OF THE MINISTER FOR L S G & P H
Date 10 11 42
N 3605

Dy Secy to G 17 11 42

Serial No
–

Submitted with a draft letter to the
by Comr Bangalore both
Kmm
21/11/42

For approval
Lawsey
23/11/42
Revised
24-11-42
24 11 42

to
The D C Bangalore East
No L S 390 dt 28 11-42
Illness certain on Election Duty

B
mm 24/11

NOTE—Cont Sheet

File No of 194

General and Revenue Secretariat

Serial No

GOVERNMENT OF MYSORE

56-42-8

OFFICE OF

The Deputy Commissioner

Bangalore District

Bangalore

Date, 27th July 1942

o M6-6697-475/41-42
ncls 3

To

The Hon'ble D NARAYANASWAMI NAIDU ESQ B A , B L ,

Secretary to the Government of Mysore
Law Department
BANGALORE

Sir,

Subject:- Action under Sec 194 (1) of Town Municipalities Act - Regarding the resolution of Magadi Municipal Council - intimates the -

I have the honour to state that Mr L. Ramachandra Rao the elected Vice President of Magadi Town Municipality resigned on 9-6-1942 by presenting a notice of resignation to the Amildar President at 3 P M that day On the written requisition of 13 Municipal Councillors for the holding of a Special meeting to consider the unsatisfactory work of Mr L Ramachandra Rao as Vice President a Special meeting was held on 11-6-1942 This requisition was received by the Amildar President at 10-30 A M on 10-6-1942 The copy of the proceedings of the special meeting held on 11-6-1942 is enclosed for favour of perusal

2 As Mr Ramachandra Rao had tendered his resignation on 9-6-1942 the resolution on subject No 1, regarding his removal appears to be ultra-vires As per Sec 13 of the Town Municipalities Act of 1933, Mr L. Ramachandra Rao ceased to be the Vice President from the date of notice of his resignation viz , 9-6-1942 and there was no need to take up the question of his removal the next day The resolution is also not worded properly It does not amount to a motion of No confidence against the Vice President The Council has no powers to dismiss the Vice President as resolved by them The Amildar President explains that there was much discussion on the subject and the resolution had to be recorded as he was compelled to do so by the Councillors

3 The Special meeting held on 11-6-1942 had not been convened for the discussion of the purpose of the alleged unsatisfactory work of the Vice President Other subjects such as confirmation of the lease sales of market slaughter house and manure etc had been included in the Agenda of the meeting Hence it has to be considered to be only an ordinary meeting or a special meeting

called for confirmation of lease sales but not for the removal of vice President Mr. L Ramachandra Rao has sent up a petition stating that among other irregularities the 1st resolution affects his prestige and status in life He therefore prays that the resolution which is illegal and ultra-vires may be ordered to be expunged from the Minute Book The petition is enclosed herewith

4 In the above circumstances the resolution No I of the meeting held on 11-6-1942 seems to be ultra vires and inconsistent with Sec 13 of the Town Municipalities Act of 1933 as Mr L Ramachandra Rao was no longer the Vice President on 11-6-1942 (date of meeting) I have ordered that the said resolution be expunged from the Proceedings of the Council under Sec 194 (i) of the Town Municipalities Act of 1933 A copy of the order is herewith enclosed for favour of obtaining the approval of Government under Sec 194 (2) of the above Act A copy of the order has also been sent to the President of the Magadi Municipality for information and taking needful action

I have the Honour to be
S i r
Your most obedient servant

S Narayanagowda
28/7/42

Deputy Commissioner
Bangalore District

gvm/-2.

Appendix F G—1]

SUBJECT

Section M

File No 56-42

Serial No 13

No L 1988

Diary No of letter replied to

To The Deputy Commr
Bangalore Dn

Sir

Subject — Action under Sec 194(1)
of the Town Municipalities Act - re
the resolution of Nagar Municipal
Council

General and Revenue Secretariat

( )

the *193*

Date of issue 7/4 8 42

With reference to your letter
no M6-669-485/41-2 dt 27.7.1942
on the above, I am directed to
request you to call upon the
Municipal Council, Nagar, to
show cause as to why the order
passed by the Deputy Commr, Bangalore
Dn directing the Rejection of the
Nomination papers of the
Municipal Council relating to the L
Ramachandra Rao, Ex-Vice-
President of the Municipal Council, be
not confirmed under
194 (2) of the Town Municipalities
Act, and to intimate the

Before the entry
Thus made

List of enclosure

Copied by

Examined by

WD 0563—GPB—30 000—6 1 39

Thanks
from
K Lowe
11/8

Appendix F G—1]

SUBJECT

Section

File No

Serial No ✓

Diary No of letter replied to

No L 3428

To

The D C Bangalore Urban

Sir,

General and Revenue Secretariat

( )

the *19*

I am directed to invite reference to this office letter No L 1758 dated 10-5-42 requesting you to call upon the Magadi Town Municipal Council to show cause as to why your orders of prohibiting from the procession on the occasion of the Ramzan festival, be withdrawn from the Proceedings of the Council and to request you to expedite the submission

Date of issue .. 27-9-42 ..

Signed by ... for R Rao ...

List of enclosures .... ✓

Copied by ..... ✓

Examined by .....

WD 066—GPB—40 000—30-7 40

If your report in the matter
I may have pointed out that under Sec 194(1)(b) to
the Income Tax Act 1973, I have Ele-
the results can only be
suspended upon certain
as ordered by you

Sec'y to Govt-
Law Dept-

L 3438 Rul 56-42-25

27 Septr 1942

To

The Secretary to Government,

Law Department

The Deputy Commissioner,
Bangalore District

Sir,

I am directed to invite reference to this office letter No L 1988 dated 14th August 1942 requesting you to call upon the Nagadi Town Municipal Council to show cause as to why your orders expunging the resolution of the said Municipal Council regarding the removal of their Vice-President, from the Proceedings of the Council may not be confirmed and to request you to expedite the submission of your report in the matter, I may however point out that under Section 194(1) of the Town Municipalities Act, 1933, the resolution can only be suspended and not expunged as ordered by you

I have the honour to be,
Sir,
Your most obedient servant,

p/c

for Secretary to Government
Law Department

of your re
I may hav
the Tempest
the results ca
suspended
as ordered

M6-6697/41-42
Encl one file

Office of the Deputy Commissioner,
Bangalore District,
Dated, Bangalore 17th Octr 42

From

C M H Ranajodha Singh, Esq , B A ,
Deputy Commissioner,
Bangalore District

To

C Narayanaswami Naidu, Esq , B A , B L ,
Secretary to Government of Mysore,
Law Department, Bangalore

Sir,

Subject - Action under Section 194(1) of the Town Municipalities act regarding the resolution of the Magadi Town Municipal council

With reference to your letter No L 1988 ML 56-42-13 dated 14-8-42 on the above subject, I have the honour to forward herewith the resolution of the Magadi Town Municipal Council passed at their special meeting held on 4-9-42 for favour of perusal The subject was tabled for discussion in the meeting held on 26-8-42, but later on it was reserved for opinion at a special meeting to be convened for the purpose Accordingly the resolution has been passed at the Special meeting supporting the view of their previous resolution passed in meeting held on 11-6-42

2 The Municipal Council have raised the following three points Firstly the resignation of Mr L Ramachandra Rao had been brought to the notice of the council by the president prior to the passing of their resolution urging for his (Mr Ramachandra Rao's) removal from the office Hence the responsibility for insisting the passing of the resolution in question rests entirely on the concerned councillors

3 Secondly, the Council now explain that the word "removal" passed at their resolution dated 11-6-42 meant merely "vacant" This does not appear to be correct, as in the next para of the

the resolution, the council has observed that Mr Ramachandra Rao failed to perform his duties properly Mr Ramachandra Rao's main contention praying for expunging the resolution is that it affects his prestige and status in life and that definite orders on this point are necessary

4 Thirdly, the council states that the discussion of other subjects along with the above resolution in their meeting held on 11-6-42 was done purely as a matter of urgency In suppo: of it, the President has submitted the copy of agenda published in the notice convening the Special meeting on 11-6-42 wherefrom it could be seen that only one subject viz - removal of Mr Ramachandra Rao from the Vice Presidentship was mentioned But as seen from the meeting proce dings, the procedure adopted in discussing this subject alon- with others, is contrary to Section 27(3) of the Town Municipalities Act of 1933 The president could have convened another special meeting for the discussion of the e subjects especially as there was time till the end of that month So, the contention of the Municipal Council for regularising their resolution dated 11-6-42 is only an afterthought and hence cannot be accepted

5 Finally, the council have passed the above resolution by a majority of 9 Voting for, 4 remaining neutral and 2 without ivin9 their definite opinion As already stated, even if the council was desirous of moving a "No Confidence" resolution against Mr L Ramachandra Rao, still the necessary formalities as per Section 23(10) of the act have not been observed, and Mr Ramachandra Rao had ceased to be the Vice President from 9-6-42 In the circumstances, I request that orders of Government may be kindly obtained for suspending the resolution No (1) of the meeting of the Magadi Town Municipal Council held on 11-6-42 In accordance with your letter No L 3438 ML 56-42-25 dated 27-9-42, the resolution of the Municipal council can only be suspended and not expunged as per Section 194(1) of the Act Hence the order

order of this office dated 27-7-42 expunging the said resolution may be amended to this extent

The connected papers accompany

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Bangalore District

H S

Appendix Γ G —1]

SUBJECT

Section Mil
File No 56-42
Serial No 35

Diary No of letter replied to

No L 5390
Records

To

General and Revenue Secretariat

( )

the *194*

The D C Bangalore Dist

Sir

Date of issue 28 11 42

Signed by Rao GR Rao

With reference to the correspondence ending with your letter no M6-6697/41-42 d 17-10-42 in the matter of the expunging from the resolution passed by the Magadi Town Municipal Council regarding the removal of the Vice President, from the proceedings of the Council, I am directed to convey the approval of Govt to your action in the matter and to request you to instruct the

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

Hagador Town Municipal Council to
delete the resolution in question
from the proceedings book, on account
of its illegality
The records accompany I have Elc-

Acc 11
24-

from ~~Fort~~ Secy & Sor-
n Law Dept-